

RESOLUTION NO. 22-113

Resolution Of The City Council Of The City Of Emeryville Appointing William Zenoni As The Interim Finance Director and Interim City Treasurer Pursuant To Government Code Section 21221(h) Effective October 17, 2022

WHEREAS, Government Code section 21221(h) of the Public Employees' Retirement Law permits the governing body to appoint a CalPERS retiree to a vacant position requiring specialized skills during recruitment for a permanent appointment, and provides that such appointment will not subject the retired person to reinstatement from retirement or loss of benefits so long as it is a single appointment that does not exceed 960 hours in a fiscal year; and

WHEREAS, the City Council desires to appoint William Zenoni as an interim appointment retired annuitant to the position of Interim Finance Director for the City of Emeryville under Government Code Section 21221(h), a position that will become vacant on September 6, 2022; and

WHEREAS, the City Council, the City of Emeryville and William Zenoni certify that William Zenoni has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, an appointment under Government Code Section 21221(h) requires that the retiree is appointed into the interim appointment during the recruitment process for a permanent appointment; and

WHEREAS, the search for a permanent Finance Director will commence upon the resignation of the incumbent Finance Director; and

WHEREAS, this Government Code Section 21221(h) appointment shall only be made once and therefore will end upon the placement of a permanent Finance Director; and

WHEREAS, the entire appointment document between William Zenoni and the City of Emeryville has been reviewed by this body and is attached hereto as Exhibit A; and

WHEREAS, Emeryville Municipal Code Section 2-1.304 provides that the City Council confirms the City Manager's appointment of the City Treasurer and the City Manager recommends that the Council confirm the appointment of Mr. Zenoni as the Interim City Treasurer to correspond to his appointment as Interim Finance Director; and

WHEREAS, the compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties; and

WHEREAS, the minimum monthly salary is \$13,851, \$91.32 per hour and the maximum is \$18,701, \$123.30 per hour; and

WHEREAS, the hourly rate paid to William Zenoni will be \$123.30; and

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WHEREAS, William Zenoni has not and will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate; now, therefore, be it

RESOLVED, that the City Council of the City of Emeryville hereby certifies the nature of the employment of William Zenoni as described herein and detailed in the attached appointment document and that this appointment is necessary to fill the critically needed position of Interim Finance Director for the City of Emeryville by October 17, 2022; and be further

RESOLVED, by the City Council of the City of Emeryville that it also confirms the appointment of William Zenoni as Interim City Treasurer.

ADOPTED, by the City Council of the City of Emeryville at a regular meeting held Tuesday, September 6, 2022, by the following vote:

AYES:	<u>5</u>	Mayor Bauters, Vice Mayor Medina and Council Members Donahue, Martinez and Welch
NOES:	<u>0</u>	
ABSTAIN:	<u>0</u>	
ABSENT:	<u>0</u>	

DocuSigned by:

John Bauters

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MAYOR

ATTEST:

APPROVED AS TO FORM:

DocuSigned by:

Sheri Hartz

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CITY CLERK

DocuSigned by:

John Kennedy

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CITY ATTORNEY



CITY OF EMERYVILLE

OFFICE OF THE CITY MANAGER
1333 PARK AVENUE
EMERYVILLE, CALIFORNIA 94608-3517

August 19, 2022

William Zenoni:

Subject: Offer of Employment-At Will Interim Finance Director

Dear Mr. Zenoni,

This letter is an offer of employment as the Interim Finance Director for the City of Emeryville. The terms of employment are described herein, including a start date of October 17, 2022.

This letter acknowledges that you are a retired annuitant and that Government Code subdivision 21221(h) permits retired annuitants under the California Public Employees' Retirement System ("CalPERS") to be employed without reinstatement from retirement upon appointment by a public agency to fill a vacant position on an interim basis during the recruitment to permanently fill the vacant position. The City will commence a recruitment for a permanent Finance Director following the resignation of the previous Finance Director and anticipates the position will be filled with a permanent replacement no later than January 31, 2023.

Pursuant to Emeryville Municipal Code §2-1.303, the City Manager has the authority to appoint department heads and the position of Finance Director serves as the department head for the City's Finance Department, and also as the City Treasurer.

TERM: Your employment will commence on October 17, 2022 and shall automatically terminate upon the City finding a permanent replacement for the position of Finance Director. In no event shall your employment exceed the 960-hour per fiscal year limit under Government Code subdivision 21221(h).

DUTIES, RESPONSIBILITIES, AND WORK HOURS: If accepted, this offer letter appoints you to the position of Finance Director for the City's Finance Department. The position of Finance Director requires specialized skills and expert professional services for a definite period of time. You will be expected to engage in the hours of work that are necessary to fulfill the obligations of the position, be available at all times, and may be required to devote time outside the normal office hours to the business of the City, including attendance at some City Council meetings. You shall generally not work more than 35 hours per week. The Finance Director position is an "exempt" classification under the overtime provisions of the federal Fair Labor Standards Act ("FLSA"), meaning you will be compensated on a salary basis, in the amount specified below, and are not entitled to overtime as defined by the FLSA.

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COMPENSATION; BENEFITS PROHIBITED: Your compensation will be \$18,701 per month to equal an hourly rate of \$123.30. You are not eligible for any other benefits, incentives, compensation in lieu of benefits, or any other forms of compensation in addition to the hourly rate except for the above hourly rate and workers' compensation benefits. You will be provided any business equipment usually assigned by the City to the Finance Director for business use such as a laptop computer.

RESIGNATION/TERMINATION: You may resign at any time; provided, however, you will reasonably provide the City Manager at least two (2) weeks advance written notice. You are an at-will employee and serve at the pleasure of the City Manager. Notwithstanding the CalPERS 960 hour limit, you may be terminated at any time, with or without cause, by the City Manager. You are not entitled to any severance pay.

In accordance with state law and the requirements of the California Public Employees' Retirement Law, you may not be reappointed to this position following termination of your employment.

Please sign and return a copy of this letter within seven (7) calendar days of the above date to indicate your acceptance of this offer. Please contact me or Human Resource Director Trish Raver if you have any questions.

We look forward to you joining the Emeryville Team and leading the Emeryville Finance Department.

Sincerely,

Adam W. Politzer, Interim City Manager

Agreement to Accept:

I, William Zenoni, agree to accept this offer for appointment to the position of Interim Finance Director for the City of Emeryville, with the start date of October 17, 2022.

William Zenoni

Date

cc: Trish Raver, Human Resources Director